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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,644	10/31/2000	Fred S. Cook	1455	1072
28004	7590	01/15/2008		
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OVERLAND PARK, KS 66251-2100			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			01/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

v2

**Advisory Action**  
**Before the Filing of an Appeal Brief**

Application No.

09/702,644

Applicant(s)

COOK, FRED S.

Examiner

Eugene Yun

Art Unit

2618

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: \_\_\_\_\_.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
see attached sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 12/20/2007 have been fully considered but they are not persuasive.

The applicant argues that the Phillips reference does not teach assigning a temporary wireless number to a wireless device, further arguing that the Phillips reference teaches a permanent number for a temporary phone. Firstly, the claim does not state anything about the length of time the temporary number is assigned to the phone. Also, nowhere in the Phillips reference does it state that the number assigned to the phone is permanent. Therefore, since the phone in the Phillips reference is temporary, it can be concluded that the number assigned to the phone in the Phillips reference is also temporary. Furthermore, the claims do not state that the wireless device must be a permanent wireless device. Therefore, the temporary device in the Phillips reference cannot be ruled out.

Once again regarding the Phillips reference, since the claims do not state that the wireless device must be a permanent device, the examiner reiterates that the phone in this reference is without a temporary number before activation. However, once activated, it is known to one skilled in the art that the phone must be subscribed to a service provider of some sort or else it cannot be given a wireless number at all. A phone which is given a number without subscription to a service is not possible because there would be no way of billing for the use and it would be much more difficult to prevent duplicate numbers. Therefore, it is obvious that the act of "processing the

registration message to determine if the wireless call device is subscribed to a temporary wireless number service, and responsive to determining that the wireless call device is subscribed to the temporary wireless number service" must take place or else the phone cannot be assigned a wireless number at all, regardless whether or not it is temporary or permanent. Since the phone in the Phillips reference is assigned a temporary wireless number, then it should be obvious that the Phillips reference teaches "processing the registration message to determine if the wireless call device is subscribed to a temporary wireless number service, and responsive to determining that the wireless call device is subscribed to the temporary wireless number service".

The applicant argues that the Ho reference does not teach a temporary wireless telephone number as claimed in claim 1. The applicant further argues that the Ho reference does not teach the wireless telephone number as a 10-digit telephone number. The claims also do not state anything about a 10-digit telephone number. Therefore, the examiner, or anyone of ordinary skill in the art can not be assured that the temporary wireless number is a 10-digit telephone number, since the claims do not state anything about a 10-digit telephone number. Therefore, the temporary wireless telephone number can be any temporary number assigned to a wireless device, which includes the TMSI in the Ho reference.

Details in the applicants arguments, such as, a 10-digit number and a permanent device assigned temporary numbers were considered, but since such detail was not in the claims, the examiner maintains his rejection with the currently cited prior art because it is still believed by the examiner that the references read on the claims as

currently written. In addition, the lack of said detail in the claims also is reason for the examiner to believe that the combination of references is proper since both reference teach temporary wireless numbers and can benefit by expanding to types of numbers a wireless device can make temporary.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MATTHEW ANDERSON  
SUPERVISORY PATENT EXAMINER